

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: FORTIN, F. (Petitioner)

US Serial No.: 10/760,075

PCT Serial No.: PCT/FR02/02547

Filing Date: 18 January 2004

Title: *Flexible Vertebral Linking Device*

Attorney Docket No. PUS-H002-001

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RECEIVED

NOV 15 2004

OFFICE OF PETITIONS

MS: MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Customer Service Center  
Initial Patent Examination Division

**PETITION TO OBTAIN A FILING DATE and REPLY TO NOTICE OF INCOMPLETE  
NONPROVISIONAL APPLICATION UNDER UNDER 37 CFR §§1.53(e)(2) & 1.181**

Dear Sir:

Responsive to the Notice of Incomplete Nonprovisional Application mailed 17 September 2004 in the above referenced case, Applicant respectfully submits this Petition to Obtain a Filing Date with petition fee payment. Additionally, as an alternative response to the Notice should Applicant's Petition be refused, Applicant submits this Reply and responsive materials, including a copy of the Notice.

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**Certificate of Mailing Under 37CFR §1.08**

I, Sherman D. Pernia, certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on or before the date below.

Date: 27 Oct. 2004 Signed: Sherman D. Pernia

**Remarks**

Applicant has received a Notice of Incomplete Nonprovisional Application in the above referenced case. The Notice advises that a filing date has not been accorded to the application. The Notice states as the grounds for denying a filing date to the application is that the application was deposited without drawings. Under 37 CFR 37 CFR §§1.53(e)(2), Applicant respectfully requests review of this decision.

In response to the Notice, Applicant respectfully submits the enclosed Petition to Obtain a Filing Date with petition fee payment.

Additionally, as an alternative response to the Notice should Applicant's Petition be refused, Applicant submits this Reply including a copy Notice, the subject drawing pages at issue in the Notice and a copy of a newly signed Declaration of the inventors (form PTO/SB/01). Applicant believes the submitted drawing pages are true copies of the drawings originally deposited with the Office by the International Bureau of the PCT in Applicant's international application. The submitted drawings are not amended and add no new matter to the application.

Respectfully submitted,



Sherman D. Pernia  
Registration No.: 34,404  
281-335-4505

20 October 2004  
Date

1/6

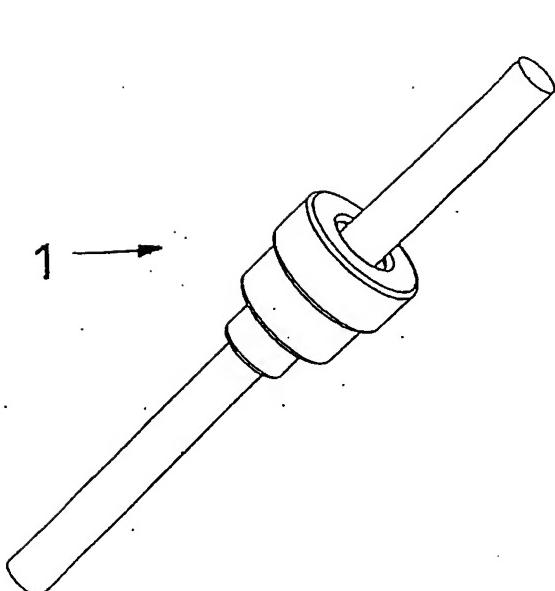


Figure 1

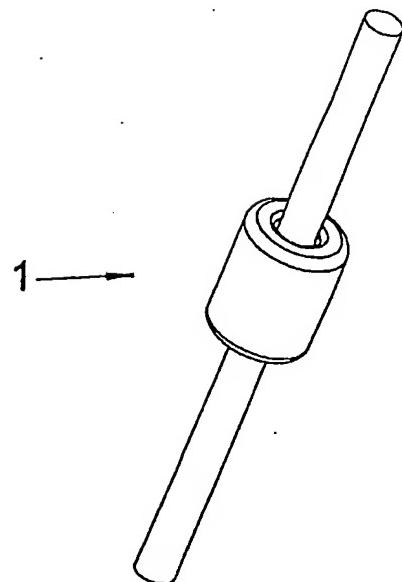


Figure 1bis

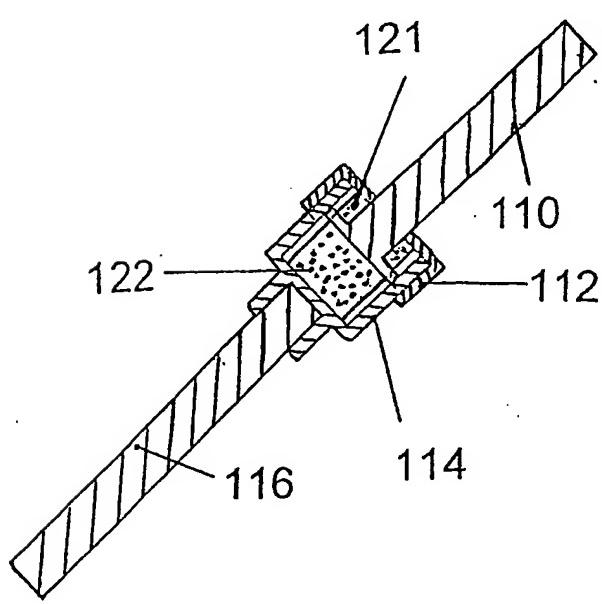


Figure 2

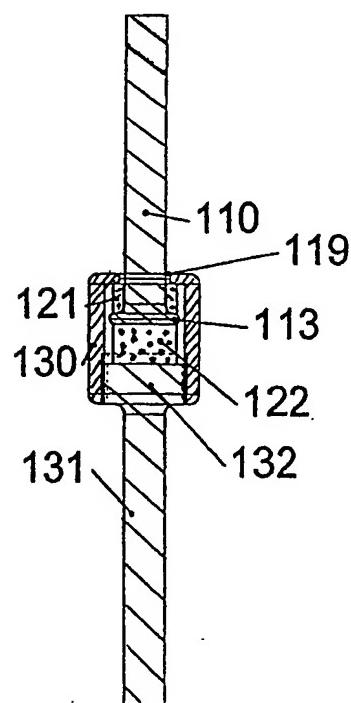


Figure 2 bis

2/6

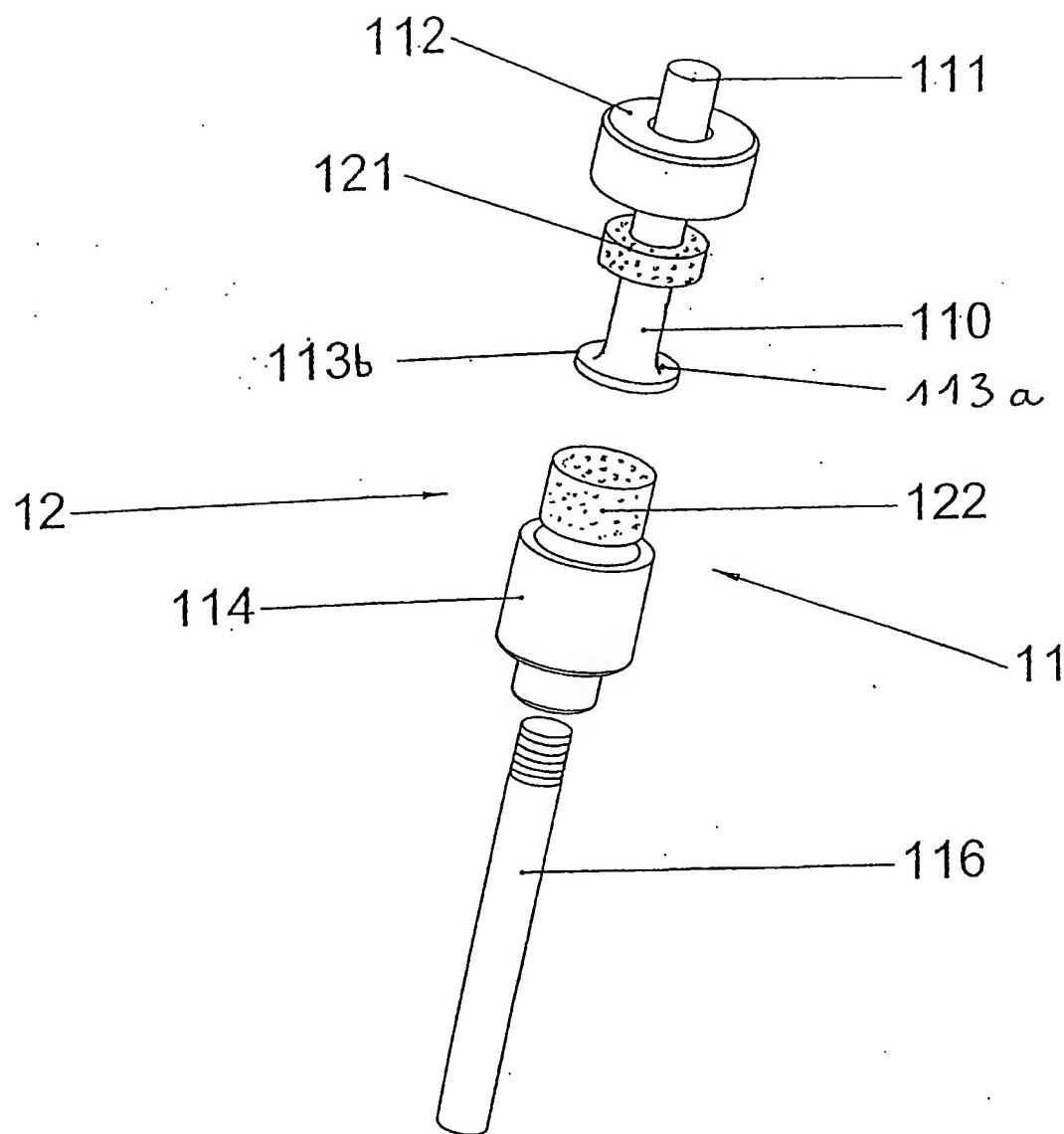


Figure 3

3/6

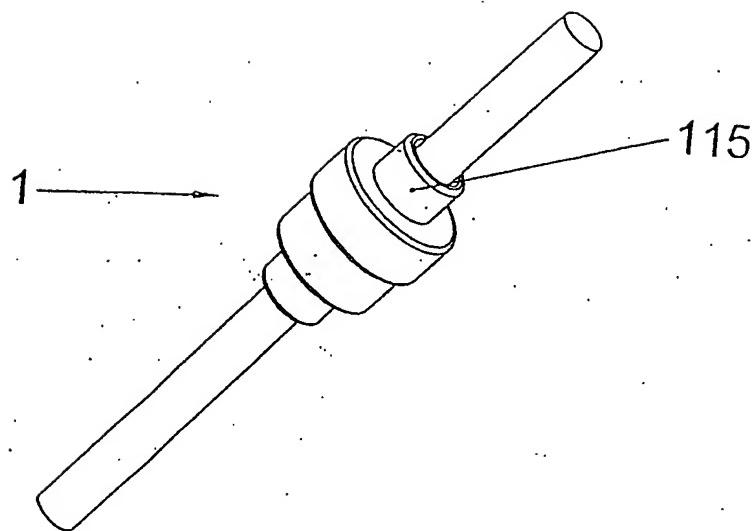


Figure 4

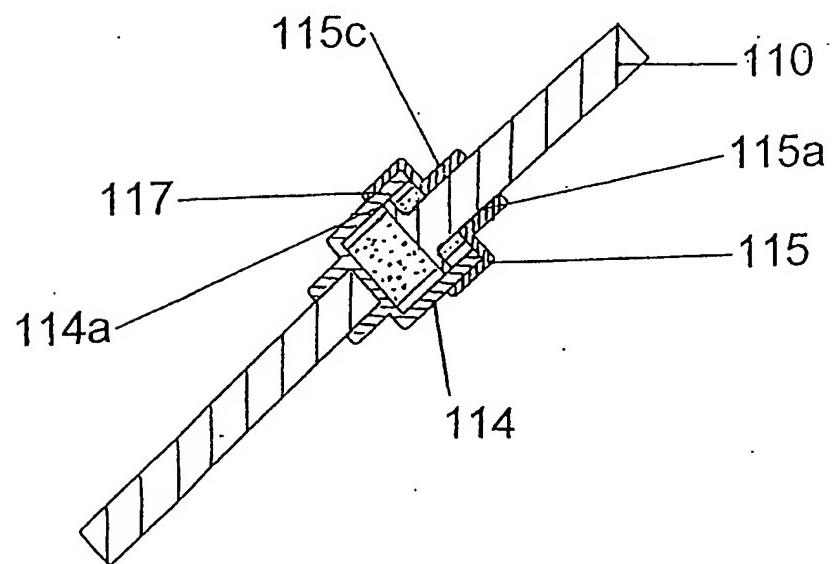


Figure 5

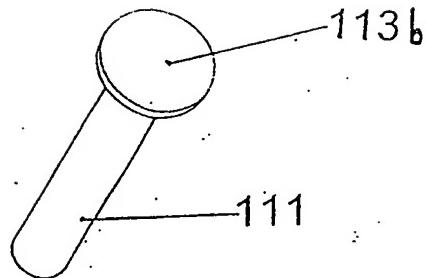
**4/6**

Figure 6

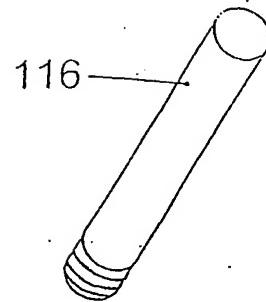


Figure 7

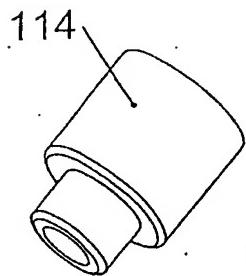


Figure 8

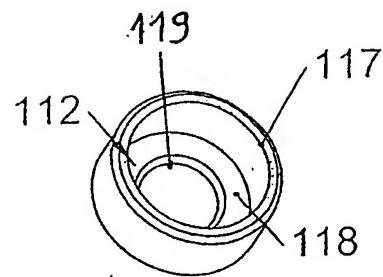


Figure 9

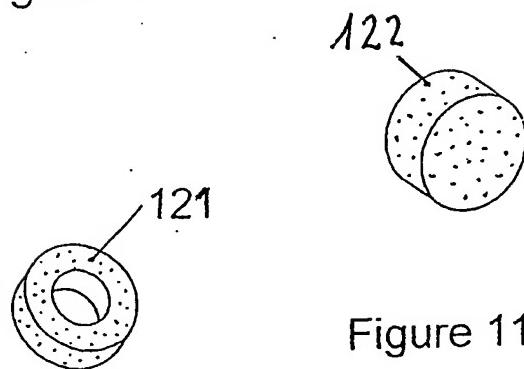


Figure 10

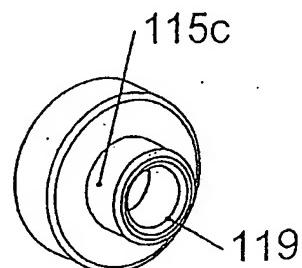


Figure 12

5/6

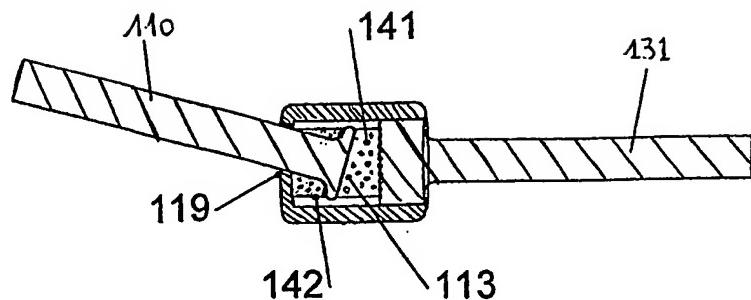


Figure 13

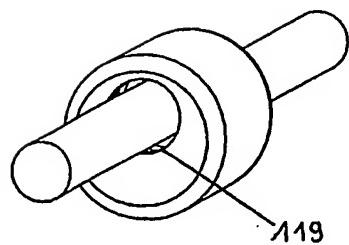


Figure 14

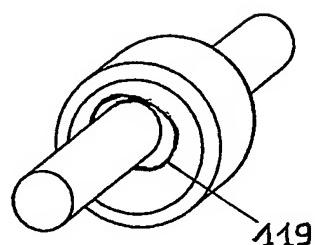


Figure 15

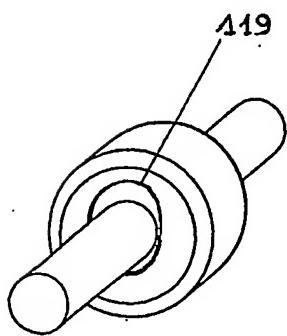


Figure 16

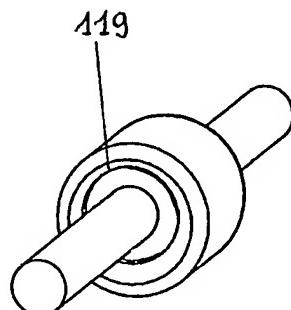


Figure 17

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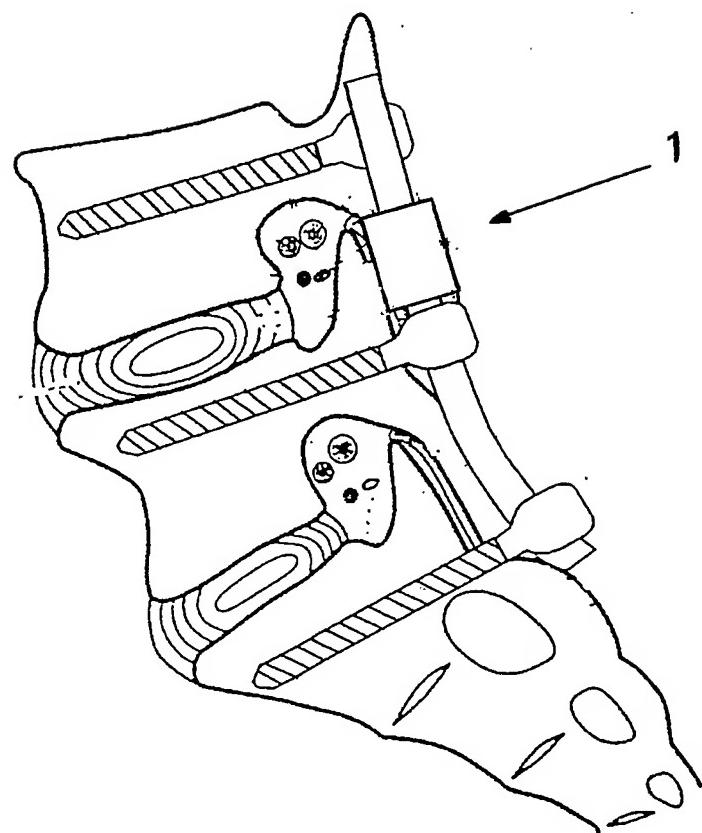


Figure 18

Page 1 of 1



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,075	01/18/2004	Frederic Fortin	PUS-H002-001

Moetteli & Associes SaRL  
 C.P. 488 , 6 Avenue de Frontenex  
 CH - 1211, Geneva 12,  
 SWITZERLAND

01/29/04 H7

CONFIRMATION NO. 1916  
 FORMALITIES LETTER



\*OC000000013834254\*

Date Mailed: 09/17/2004

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

*Y:G*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

PTO/SB/01 (10-01)  
Approved for use through 10/31/2002. OMB 0551-0632  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	PUS-H002-001
First Named Inventor	Frédéric FORTIN et al.
<b>COMPLETE IF KNOWN</b>	
Application Number	Pending; cont of PCT/FR02/02547
Filing Date	07/17/2002
Art Unit	Pending
Examiner Name	Pending

As the below named Inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first Inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FLEXIBLE VERTEBRAL LINKING DEVICE**

*(Title of the Invention)*

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)   as United States Application Number or PCT International

Application Number   and was amended on (MM/DD/YY/YY)   (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached? YES	Certified Copy Attached? NO
FR01/09628	France	07/18/2001	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/028 attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Approved for use through 10/31/2002. OMB 0651-0032.

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/>		Customer Number or Bar Code Label	35 246	OR <input type="checkbox"/> Correspondence address below
John Moetteli of MOETTELI & ASSOCIES SàRL				
Name				
Address Case Postale 486, ave. de Frontenex 6				
CH - 1211 Geneva 12		State	ZIP	
City				
Switzerland Country		Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR: <input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name Frédéric (first and middle [if any])		Family Name FORTIN or Surname		
Inventor's Signature		October 20 <sup>th</sup> Date 2004		
Pessac Residence: City		State	FRANCE Country	FR Citizenship
Mailing Address 36, allée des Passerines				
Pessac City		State	33600 ZIP	FRANCE Country
NAME OF SECOND INVENTOR: <input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name Johann (first and middle [if any])		Family Name ROBIN or Surname		
Inventor's Signature		October 20 <sup>th</sup> Date 2004		
Bègles Residence: City		State	FRANCE Country	FR Citizenship
Mailing Address 1 allée du Puits de Maran				
Bègles City		State	33130 ZIP	FRANCE Country
<input type="checkbox"/> Additional inventors are being named on the _____ Supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto				

[Page 2 of 2]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**MS: PETITIONS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ATTN: SPECIAL PROGRAM LAW OFFICE**

**PETITION TO OBTAIN A FILING DATE  
UNDER 37 CFR §1.53(e)(2) & §1.181 and MPEP §506.02**

Dear Sir:

Through his representative, now comes your Petitioner, Frederic Fortin.

On 17 September 2004, the Office mailed a Notice of Incomplete Nonprovisional Application to Petitioner. The Notice stated that a filing date had NOT been accorded the subject application. Specifically, the Office states as the ground for its refusal to grant a filing date that the application was deposited without drawings.

Petitioner respectfully asserts the application is entitled to a filing date because the subject drawings in the case were in fact on deposit with the Office, and Petitioner requests review of the refusal to grant a filing date to the application.

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8

I, Sherman D. Pernia, certify that this document is being deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450" on or before the date below.

the date below.

27 Oct. 2004

### Background of the Petition

On 17 July 2002, Petitioner filed International Application for patent serial number PCT/FR02/02547 designating the US. Petitioner submits Exhibit A, a printout taken from the official World Intellectual Property Organization web site regarding the PCT filing of the subject application. Exhibit A evidences that the US was a designated state (see Item 81 of Exhibit A) of PCT/FR02/02547.

On 21 November 2002, the International Bureau mail a Notice of Receipt of the original International Application (form PCT/IB/301) to Petitioner. Exhibit B. The Notice evidences that the US was a designated state and that the present application materials, including the subject drawings, were received with application.

On 30 January 2003, Petitioner's PCT application was published by WIPO as publication number WO 03/007828, which publication included the subject drawings. See Exhibit C. Additionally, Exhibit C (cover page at item 81) clearly indicates that the US was a designated state and as such was to receive a copy of Applicant's PCT application, including the subject figures.

On 20 August 2004, Petitioner filed its Petition for Revival of an International Application for Patent Designating the US Abandoned Unintentionally, form PTO.SB/64/PCT. As of the current date, Petitioner's Rule 1.137(b) petition is still pending. Concomitant with its petition, Petitioner filed its US National Stage application for patent under 35 USC §371 using form PTO-1390.

On 17 September 2004, the Office mailed a Notice of Incomplete Nonprovisional Application to Petitioner, indicating that the application was not accorded a filing date. The Office stated that the ground for the refusal to accord a filing date was that “[t]he application was deposited without drawings.” Exhibit D, see highlight.

On 25 October 2004, Petitioner timely submits the present Petition to Obtain a Filing Date.

## **Conclusions**

1. The US was indicated as a designated state in Petitioner's Request filing for International Application. See Exhibit A.
2. As a designated state, the WIPO International Bureau communicated a copy of Petitioner's International Application, including the subject drawings, to the Office. See Exhibits B & C.
3. A copy of the subject drawings was on deposit with the Office upon the transmittal of Petitioner's 35 USC §371 US national stage Transmittal Letter to the Office on 18 January 2004.
4. Therefore, the refusal to grant a filing date on the ground that the "application was deposited without drawings" is a mistake in the Office, and the application is entitled to a filing date.

## **Applicable Rules and Practice**

37 C.F.R. §1.53(e)(2):

Petitioner submits that under Rule §1.53(e)(2), it is permitted for an applicant to petition for review of a notification that the original application papers lack a portion of the specification or drawings. Therefore, this petition is permitted.

37 C.F.R. §1.181(f):

Petitioner submits that Rule §1.181(f) allows a petition filed within two months of the date of the action complained of is timely filed. Therefore, the present petition under Rule §1.181(f) is timely filed.

Petition to the Special Program Law Office:

MPEP §506.02 designates that a petition to review a refusal to accord a filing date be directed to the Special Program Law Office. Therefore, Petitioner submission of the present petition to the Special Program Law Office is appropriate.

Petition Fee Refund Request:

The appropriate petition fee for a small entity under 37 CFR §1.17(i) is included with the present petition. Petitioner submits that the present petition should be granted and

requests refund of the petition fee. Petitioner requests the refund be made payable to Petitioner's undersigned representative.

**Action Requested**

Petitioner respectfully requests that the Office finds that the subject drawings were on deposit with the Office when Petitioner submitted his US national stage Transmittal Letter form PTO-1390.

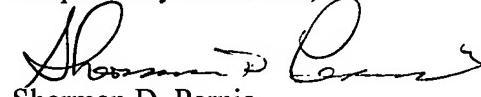
Petitioner respectfully requests that the Commissioner review and rescind the refusal to grant a filing date.

Petitioner requests the Commission, in view of the granting of Petitioner's Petition under Rule 1.137(b), that Petitioner's 35 USC §371 national stage filing be granted a filing date at least as early as 17 January 2004.

Petitioner respectfully requests that payment of the petition fee be refunded.

25 October 2004  
Date

Respectfully submitted,



Sherman D. Pernia  
For Petitioner  
Reg. No. 34,404

Images Description and Claims (46 Kb)

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT  
COOPERATION TREATY (PCT)

(11) WO 03/007828

(13) A1

(21) PCT/FR02/02547

(22) 17 July 2002 (17.07.2002)

(25) French

(26) French

(30) 01/09628

18 July 2001

FR

(18.07.2001)

(43) 30 January 2003 (30.01.2003)

(51)<sup>7</sup> A61B 17/70

(54) FLEXIBLE VERTEBRAL LINKING DEVICE

(71)

(72) FORTIN, Frederic [FR/FR]; 36, allée des Passerines, F-33600 Pessac (FR).

(72) ROBIN, Johann [FR/FR]; Res Alhambra Bat B N° 18, 3, allée Aristide Colotte,

(75) F-33700 Mérignac (FR).

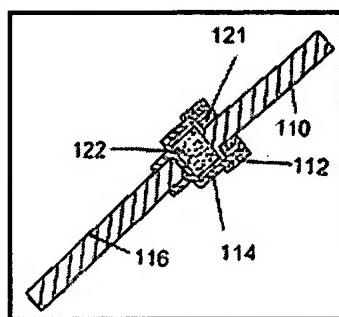
(81) CA, JP, US, ZA

(84) European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR)

### Published

- *with international search report*
- *before the expiration of the time limit for amending the claims and to be republished in the event of receipt of amendments*

(57) The invention concerns a flexible intervertebral linking device (1) consisting of two sets of means. A first set of means (11) consisting of rigid means (110, 112, 114, 116) preferably made of biocompatible metallic materials providing the device with good mechanical resistance by integral load transmission without deformation. A second set of means (12) consisting of flexible or damping means (121 and 122) made of biocompatible viscoelastic materials, admitting repeated elastic deformations, the combination of said two sets of means providing it with both resistance and mechanical stress damping whereto it is subjected, to compensate for any deficiency of flexible anatomical links of the human body.



Français   
1 of 1



# TRAITE DE COOPERATION EN MATIERE DE BREVETS

**PCT**

**NOTIFICATION DE LA RECEPTION DE  
L'EXEMPLAIRE ORIGINAL**  
(règle 24.2.a) du PCT)

**Expéditeur: le BUREAU INTERNATIONAL**

**Destinataire:**

FORTIN, Frederic  
36, allée des Passerines  
F-33600 Pessac  
FRANCE

Date d'expédition (jour/mois/année) 21 novembre 2002 (21.11.02)	<b>NOTIFICATION IMPORTANTE</b>
Référence du dossier du déposant ou du mandataire	Demande internationale n° PCT/FR02/02547

Il est notifié au déposant que le Bureau international a reçu l'exemplaire original de la demande internationale précisée ci-après.

Nom(s) du ou des déposants et de l'Etat ou des Etats pour lesquels ils sont déposants:

FORTIN, Frederic(tous les Etats désignés)  
ROBIN, Johann (pour US seulement)

Date du dépôt international : 17 juillet 2002 (17.07.02)  
Date(s) de priorité revendiquée(s) : 18 juillet 2001 (18.07.01)  
Date de réception de l'exemplaire original par le Bureau international : 23 septembre 2002 (23.09.02)

Liste des offices désignés :

EP :AT,BE,BG,CH,CY,CZ,DE,DK,EE,ES,FI,FR,G8,GR,IE,IT,LU,MC,NL,PT,SE,SK,TR  
National :CA,JP,US,ZA

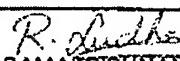
**ATTENTION**

Le déposant doit soigneusement vérifier les indications figurant dans la présente notification. En cas de divergence entre ces indications et celles qui contient la demande internationale, il doit aviser immédiatement le Bureau international.

En outre, l'attention du déposant est appelée sur les renseignements suivants donnés dans l'annexe:

- délais dans lesquels doit être abordée la phase nationale - voir renseignements importants mis à jour (à compter d'avril 2002)
- confirmation des désignations faites par mesure de précaution (le cas échéant)
- exigences relatives aux documents de priorité (le cas échéant)

Une copie de la présente notification est envoyée à l'office récepteur et à l'administration chargée de la recherche internationale.

Bureau international de l'OMPI 34, chemin des Colombettes 1211 Genève 20, Suisse n° de télecopieur (41-22) 740.14.35	Fonctionnaire autorisé  Sudha RAMAKRISHNAN
	n° de téléphone (41-22) 338.83.38

Formulaire PCT/I/B/301 (avril 2002)

005284803



(12) DEMANDE INTERNATIONALE PUBLIÉE EN VERTU DU TRAITÉ DE COOPÉRATION  
EN MATIÈRE DE BREVETS (PCT)

(19) Organisation Mondiale de la Propriété  
Intellectuelle  
Bureau international



(43) Date de la publication internationale  
30 janvier 2003 (30.01.2003)

PCT

(10) Numéro de publication internationale  
**WO 03/007828 A1**

- (51) Classification internationale des brevets<sup>7</sup> : A61B 17/70 (81) États désignés (*national*) : CA, JP, US, ZA.
- (21) Numéro de la demande internationale : PCT/FR02/02547 (84) États désignés (*régional*) : brevet européen (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE, SK, TR).
- (22) Date de dépôt international : 17 juillet 2002 (17.07.2002)
- (25) Langue de dépôt : français
- (26) Langue de publication : français
- (30) Données relatives à la priorité : 01/09628 18 juillet 2001 (18.07.2001) FR
- (71) Déposant et (72) Inventeur : FORTIN, Frederic [FR/FR]; 36, allée des Passerines, F-33600 Pessac (FR).
- (72) Inventeur; et (75) Inventeur/Déposant (*pour US seulement*) : ROBIN, Jo-hann [FR/FR]; Res Alhambra Bat B N° 18, 3, allée Aristide Colotte, F-33700 Mérignac (FR).

**Publiée :**

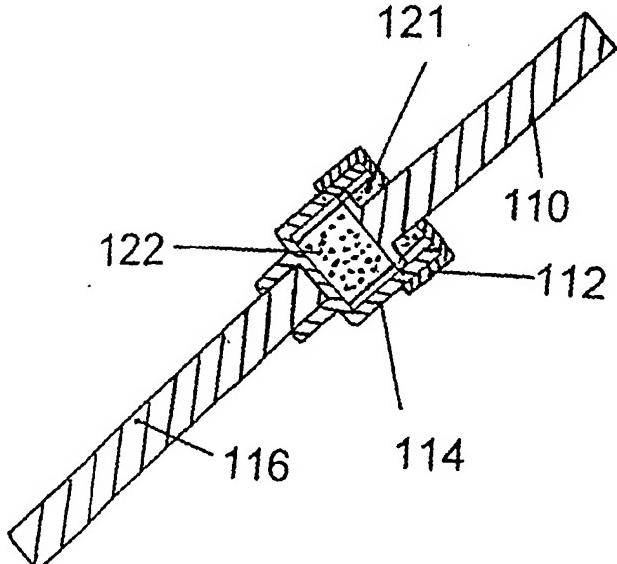
- avec rapport de recherche internationale
- avant l'expiration du délai prévu pour la modification des revendications, sera republiée si des modifications sont reçues

*En ce qui concerne les codes à deux lettres et autres abréviations, se référer aux "Notes explicatives relatives aux codes et abréviations" figurant au début de chaque numéro ordinaire de la Gazette du PCT.*

- (54) Title: FLEXIBLE VERTEBRAL LINKING DEVICE  
(54) Titre : DISPOSITIF DE LIAISON VERTEbraLE SOUPLE



EXHIBIT  
**WO 03/007828 A1**



transmettant intégralement les efforts sans se déformer. Un deuxième ensemble de moyens (12) formé de moyens souples ou amortissant (121 et 122) fabriqués en matériaux viscoélastiques biocompatibles, acceptant les déformations élastiques répétées, la combinaison de ces deux ensembles de moyens permettant de résister en même temps que d'amortir les sollicitations mécaniques auquel il sera soumis, pour palier à toute déficience des liaisons souples anatomiques du corps humain.

(57) Abstract: The invention concerns a flexible intervertebral linking device (1) consisting of two sets of means. A first set of means (11) consisting of rigid means (110, 112, 114, 116) preferably made of biocompatible metallic materials providing the device with good mechanical resistance by integral load transmission without deformation. A second set of means (12) consisting of flexible or damping means (121 and 122) made of biocompatible viscoelastic materials, admitting repeated elastic deformations, the combination of said two sets of means providing it with both resistance and mechanical stress damping where it is subjected, to compensate for any deficiency of flexible anatomical links of the human body.

(57) Abrégé : L'invention est un dispositif de liaison intervertébrale souple (1) constitué de deux ensembles de moyens: Un premier ensemble de moyens (11) composé de moyens rigides(110,112,114,116) fabriqués en matériau de préférence métalliques et biocompatibles assurant une bonne tenue mécanique du dispositif en

## DISPOSITIF DE LIAISON VERTEBRALE SOUPLE

5

### DOMAINE DE L'INVENTION

L'invention concerne un dispositif de liaison vertébrale postérieure qui travaille en traction compression et en flexion , et qui amortit toutes les sollicitations mécaniques.Ce dispositif va présenter des avantages fonctionnels qui vont être décrits .

10

### ART ANTERIEUR :

On connaît de nombreux systèmes de fixations vertébrales postérieures rigidifiant un certain nombre de vertèbres en les privant de toute mobilité pour permettre ainsi d'encaisser toutes contraintes mécaniques. Cependant, la première vertèbre adjacente à ce bloc rigide garde toute sa mobilité et cette discontinuité brutale entre le bloc rigide et cette vertèbre libre engendre très souvent une hypersollicitation des éléments de liaison. Il s'en suit une accélération de la dégénérescence de ce niveau.

Ce problème n'a été que très partiellement résolu par des systèmes semi-rigides conçus pour créer une rigidité intermédiaire entre les vertèbres mobiles et les vertèbres fixes. Ces systèmes présentent les inconvénients suivants :

-soit: ils travaillent uniquement en traction. C'est le cas de tous les dispositifs basés sur les ligaments artificiels. Ces systèmes sont peu élastiques et laissent à l'appréciation de l'opérateur le soin de régler la tension rendant ainsi aléatoire les caractéristiques mécaniques en particulier dans le mode de fonctionnement traction compression qui nous concerne.

-soit: ils travaillent en compression avec une butée en traction, ce qui rend ces dispositifs inefficaces dès qu'ils doivent assister des déplacements en extension.

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Quoiqu'il en soit: aucun des dispositifs connus ne résout entièrement le problème posé, à savoir: amortir les sollicitations mécaniques existant en traction compression et en flexion auquelles une vertèbre mobile peut être soumise.

- 5        Nous citerons comme première antériorité : le brevet EP 0576 379 A1 qui présente un amortisseur qui semble s'approcher le plus près tout au moins du point de vue du schéma général de la présente invention ; la revendication 1 du présent brevet protège  
10      10 “*un amortisseur uniaxial travaillant uniquement en compression tout en jouant le rôle d'une butée qui s'oppose à tout déplacement du piston au delà d'une valeur déterminée.....*”

Dans ce cas la limitation exponentielle du déplacement résolue par l'antériorité , est un problème qui n'a rien à voir avec  
15      15 celui que veut résoudre la présente invention.

Nous citerons une deuxième antériorité : la demande de brevet N° 0012998 qui décrit et revendique “*un dispositif de liaison vertébral souple et monobloc fonctionnant de manière multidirectionnelle”*”

20      Cette antériorité ne résout pas tout à fait le même problème que celui que veut résoudre la présente invention, dont les moyens et fonctions mis en place sont différents .

Dans la présente invention on peut choisir de manière précise le mode de travail désiré: traction compression ou flexion , ou la  
25      25 combinaison des deux modes de travail ,ceci afin d'éviter tout contact entre les facettes articulaires.

## DESCRIPTION

Nous listerons les dessins servant à comprendre l'invention.

Les figure 1 et 1 bis de la planche 1/6 présentent des vues en perspective (deux variantes de réalisation) du dispositif dans le cas 5 d'un mode de travail combiné en traction compression et flexion

Les figure 2 et 2 bis de la planche 1/6 sont des vues en coupe longitudinales de deux variantes du même dispositif .

La figure 3 de la planche 2/6 est une vue éclatée du dispositif 10 et de ses moyens.

La figure 4 de la planche 3/6 est une vue en perspective du dispositif travaillant uniquement en traction compression.

La figure 5 de la planche 3/6 est une vue en coupe du dispositif travaillant uniquement en traction compression.

15 Les figures 6 à 11 de la planche 4/6 représentent l'ensemble des pièces unitaires constituant le dispositif .

La figure 12 de la planche 4/6 montre un autre moyen spécifique travaillant suivant le mode de traction compression.

20 La figure 13 de la planche 5/6 montre une variante du dispositif travaillant suivant deux axes.

Les figures 14 à 17 de la planche 5/6 montrent quatre formes de l'extrémité mobile d'une autre variante du dispositif 1.

La figure 18 de la planche 6/6 montre le dispositif posé

Le dispositif 1 est constitué de deux ensembles de moyens:

Un premier ensemble de moyens 11 composé de moyens 25 rigides fabriqués en matériau de préférence métalliques biocompatibles assurant une bonne tenue mécanique du dispositif en transmettant intégralement les efforts

Un deuxième ensemble de moyens 12 formé de moyens souples ou amortissant fabriqués en matériaux viscoélastiques bio-compatibles , acceptant les déformations élastiques répétées. C'est la 30 combinaison de ces deux ensembles de moyens qui permet à l'invention de fonctionner

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Le premier ensemble de moyens 11 comprend quatre structures mécaniques 110 ,112, 114 , 116 qui ont pour fonction de transmettre les efforts , sans se déformer, et auquels est soumis le dispositif 1.

5 La structure mécanique 110 est constituée d'une tige mécanique 111 dont l'une des extrémités est surmontée d'un plateau circulaire 113b relié à ladite tige 111 avec un large rayon de raccordement 113a, l'ensemble pouvant coulisser dans la partie creuse de la structure 114 qui enferme un élément visco-élastique  
10 121 .

La structure mécanique 112 est un capuchon muni d'un taraudage 117 permettant la fixation de ladite structure 112 sur la structure 114; le moyen 112 dispose d'un épaulement 118 qui permet d'enfermer entre le plateau 113b et lui-même une rondelle  
15 viscoélastique 121.

La structure mécanique 114 est constituée de deux cylindres creux dont l'un est taraudé pour permettre la fixation d'une tige 116 à embout fileté

Les moyens 110 et 116 viennent se fixer sur les vertèbres  
20 pour permettre le fonctionnement du dispositif 1.

Le deuxième ensemble de moyens 12 est constitué des deux moyens viscoélastiques 121 et 122.

Le premier moyen 121 est de préférence une rondelle qui laisse coulisser en son centre la tige 111

25 Le deuxième moyen 122 est un disque plein en matériau viscoélastique. Ces deux rondelles 121 et 122 peuvent subir des efforts de compression qui peuvent être non uniformément répartis , elles ont été conçues pour résister sans se rompre à de nombreuses sollicitations cycliques de fatigue , des essais ont été effectués dans ce sens , les moyens 121 et 122 peuvent subir ces épreuves en se  
30 déformant élastiquement autant de fois que nécessaire .

Le matériau choisi est de préférence un polyuréthane bio-compatible; grâce à leur intégration à l'intérieur des moyens mécaniques 110 , 112, 114,116, les moyens viscoélastiques 121 et 122 sont protégés par les précédentes structures mécaniques de 5 l'environnement agressif du corps humain, cela évite notamment la formation de fibres autour de ces moyens qui pourraient altérer les propriétés viscoélastiques du matériau et par conséquent perturber le bon fonctionnement du dispositif 1.

Ce dispositif 1 permet d'amortir les sollicitations en traction 10 compression et flexion qu'il subit par l'intermédiaire des tiges 110 et 116 .Cette fonction est assurée du fait que le moyen 112 possède un orifice 119 suffisamment large pour permettre un débattement de la tige 111 et qu'il existe un jeu fonctionnel entre le plateau 113 et le corps creux du moyen 114; l'épaulement 118 sert 15 de butée et maintient dans son logement la masse viscoélastique 121 ainsi enfermée.

Dans le cas où on désire travailler en mode uniaxial de traction compression, le moyen 112 est remplacé par un autre moyen 115 20 équipé d'un filetage 117, qui comprend un capuchon 115c, dont l'orifice 119 est ajusté au diamètre de la tige 110 en se prolongeant par un guidage 115a

Ce dispositif 1 est donc capable de réagir dynamiquement aux sollicitations appliquées. Il est indispensable que la structure 25 114 comporte un alésage 114a pour permettre un guidage sans frottement excessif de la tige 110 dans ledit moyen 114.

L'ajustement du diamètre des rondelles viscoélastiques 121 et 122 doit être effectué avec précision pour leur permettre de s'écraser librement jusqu'à un seuil d'effort correspondant à un 30 point de contact de l'alésage 114a du moyen 114

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Une variante de l'ensemble des moyens 11 comprend des structures métalliques ayant les mêmes fonctions que les structures 110, 112, 114, 116 , mais l'assemblage de ces trois pièces ( 110,130,131) étant d'un encombrement plus faible que celui des 5 structures précédemment décrites (fig 2)

La tige 131 se fixe au capot 130 par l'intermédiaire d'un filetage situé sur l'épaulement 132 de la tige.

Dans le cas de cette variante les possibilités de déplacement de la tige 110 soumise aux sollicitations en flexion sont assurées 10 par le jeu 119 situé entre le capot 130 et la tige 110.

Pour un fonctionnement uniaxial du dispositif 1 , on préférera utiliser les moyens 110,112, 114, 116 qui procurent un meilleur guidage de la tige 110. si on a besoin d'un encombrement réduit , on utilisera de préférence les moyens 110, 130, 131.

15 Le Dispositif 1 est capable de fonctionner avec des tiges 110 et 131 se déplaçant sur des axes concourants (fig 13) avec un petit angle de déplacement et selon des débattements déterminés.

L'ensemble des moyens 12 sont alors composés de deux moyens viscoélastiques 141 et 142. Le moyen 141 est un cylindre 20 plein de matière viscoélastique, biocompatible et dont la face en contact avec un plateau est inclinée. Le moyen 142 est une rondelle dont la face en contact avec le dos du plateau est incliné.

L'ensemble des moyens 11 (moyens rigides) sont identiques à ceux précédemment décrits, l'orifice 119 étant néanmoins ex-25 centré en fonction de l'angle choisi. La forme de l'orifice 119 est définie en fonction des débattements que l'on autorise à la tige 110.

La tige 110 peut ainsi, grâce a ces nouvelles caractéristiques techniques, travailler en traction compression avec un angle donné par rapport à la tige 116 ou la tige 131 dans le cas où l'orifice 119 30 est désaxé et ajusté à la tige 116 ou 131 (figures 14) .

La tige 110 formant un angle par rapport à la tige 116 ou 131 (cas où l'orifice 119 est de forme oblongue et décentré) peut dans ce cas travailler aussi bien en traction compression qu'en flexion latérale. (fig 15)

- 5 La tige 110 peut travailler en traction compression et en flexion selon un axe privilégié qui peut être par exemple dans le plan sagittal du rachis , et ceci de part et d'autre d'une position donnée de la tige 110 formant au repos un angle avec la tige 116 ou la tige 131, ceci, toujours de le cas où le moyen 119 est de forme  
10 oblongue et décentré. (fig 16)

Enfin la tige 110 peut travailler en traction compression et en flexion dans toutes les directions, formant un angle par rapport à la tige 116 ou 131 dans le cas où l'orifice 119 est décentré et plus large que le diamètre de la tige 110. (figure 17)

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4-Dispositif de liaison intervertébrale souple (1) selon la revendication 1 caractérisé en ce que le moyen (114) est constitué de deux cylindres creux dont l'un est taraudé pour permettre la fixation d'une tige (116) à embout fileté.

5

5- Dispositif de liaison intervertébrale souple (1) suivant la revendication 1 caractérisé en ce que les moyens viscoélastiques sont :

10 pour (121) une rondelle laissant coulisser en son centre la tige (111)

pour (122) un disque plein, ces moyens étant conçus pour subir sans se rompre un grand nombre de sollicitations de fatigue en se déformant élastiquement suivant des efforts de compression qui  
15 ne sont pas uniformément répartis.

6- Dispositif de liaison intervertébrale souple (1) suivant l'une quelconque des précédentes revendications 1 ou 5 caractérisé en ce que les moyens viscoélastiques (121 et 122) sont intégrés ou  
20 enfermés à l'intérieur des structures mécaniques (110,112, 114,115,116) ainsi protégés de l'environnement du corps humain, ce qui évite la formation de fibres pouvant perturber le fonctionnement du dispositif (1)

25 7- Dispositif de liaison intervertébrale souple (1) suivant l'une quelconque des précédentes revendications 1, 3 ou 6 caractérisé en ce que le moyen (112) est une structure mécanique qui possède un orifice (119) suffisamment large pour permettre un débattement de la tige (11) et qu'il existe un jeu fonctionnel entre le plateau (113)  
30 et le corps creux du moyen (114), lesdits moyens permettant ainsi au dispositif (1) de travailler en traction compression et flexion.

8-Dispositif de liaison intervertébrale souple (1) selon l'une des revendications 1 à 6 caractérisé en ce que le moyen (115) est équipé d'un filetage (117) et comprend un capuchon (115c) dont l'orifice (119) est ajusté au diamètre de la tige (110), en se prolongeant par un guidage (115a), ce qui permet au dispositif (1) de travailler en mode de compression seul.

9- Dispositif de liaison intervertébrale souple (1 ) selon l'une 10 quelconque des précédentes revendications caractérisé en ce que le moyen (114) comporte un alésage (114a) permettant un guidage sans frottement excessif de la tige (110) dans ledit moyen (114)

10- Dispositif de liaison intervertébrale souple (1) selon l'une 15 quelconque des précédentes revendications caractérisé en ce que le diamètre des rondelles viscoélastiques (121 et 122) est ajusté librement pour leur permettre de se comprimer jusqu'à un seuil d'effort correspondant au contact avec l'alésage (114a) du moyen (114)

20 11- Dispositif de liaison intervertébrale souple (1) selon l'une quelconque des précédentes revendications caractérisé en ce que les moyens viscoélastiques (141 et 142) sont respectivement un cylindre et une rondelle possédant une face inclinée, permettant ainsi grâce à la combinaison de l'ensemble des moyens (12 ) avec l'orifice 25 (119) désaxé, d'obtenir des débattements et un amortissement de la tige 110 selon un axe formant un angle avec la tige (131).

12- Dispositif de liaison intervertébrale souple (1) selon l'une 30 quelconque des précédentes revendications caractérisé en ce que l'orifice (119) de l'ensemble des moyens rigides (11) permet de limiter ou d'empêcher les débattements de la tige (110), faisant ainsi travailler le dispositif 1, selon les directions voulues.

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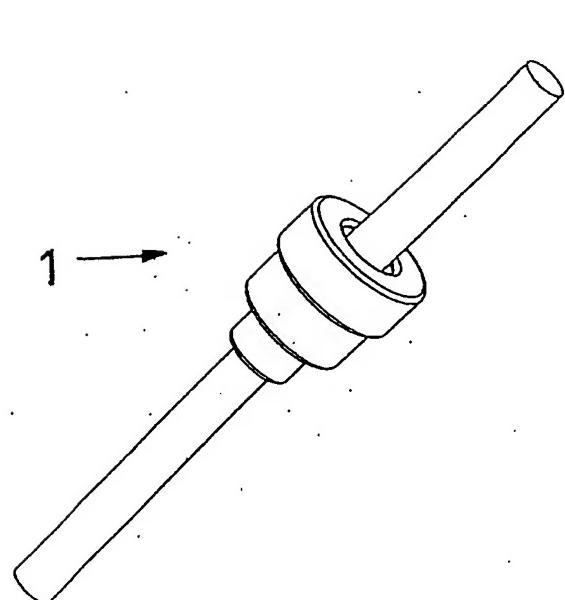


Figure 1

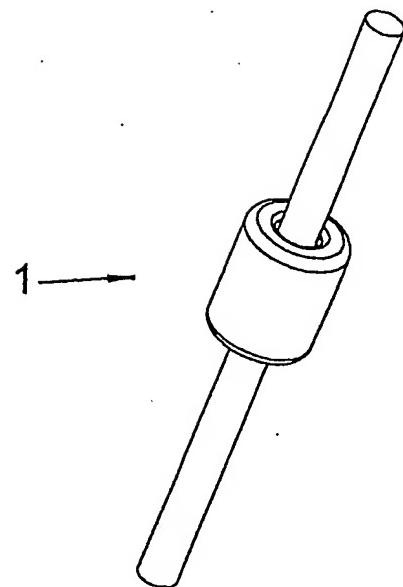


Figure 1bis

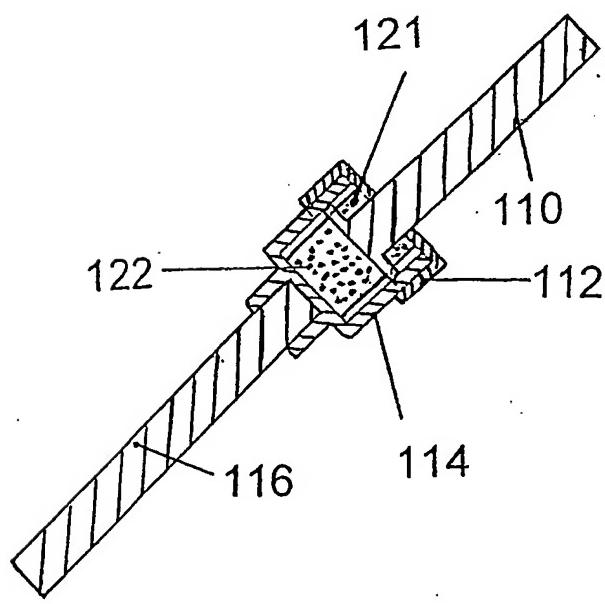


Figure 2

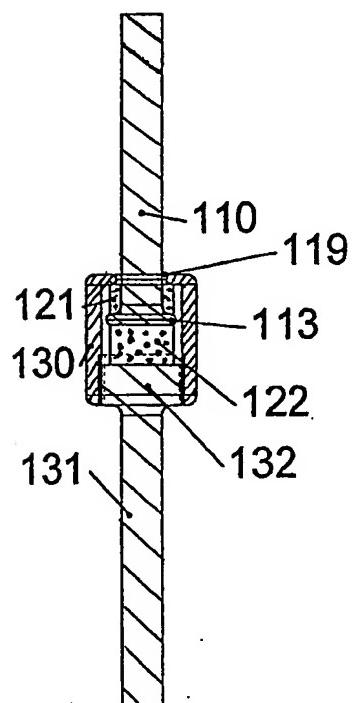


Figure 2 bis

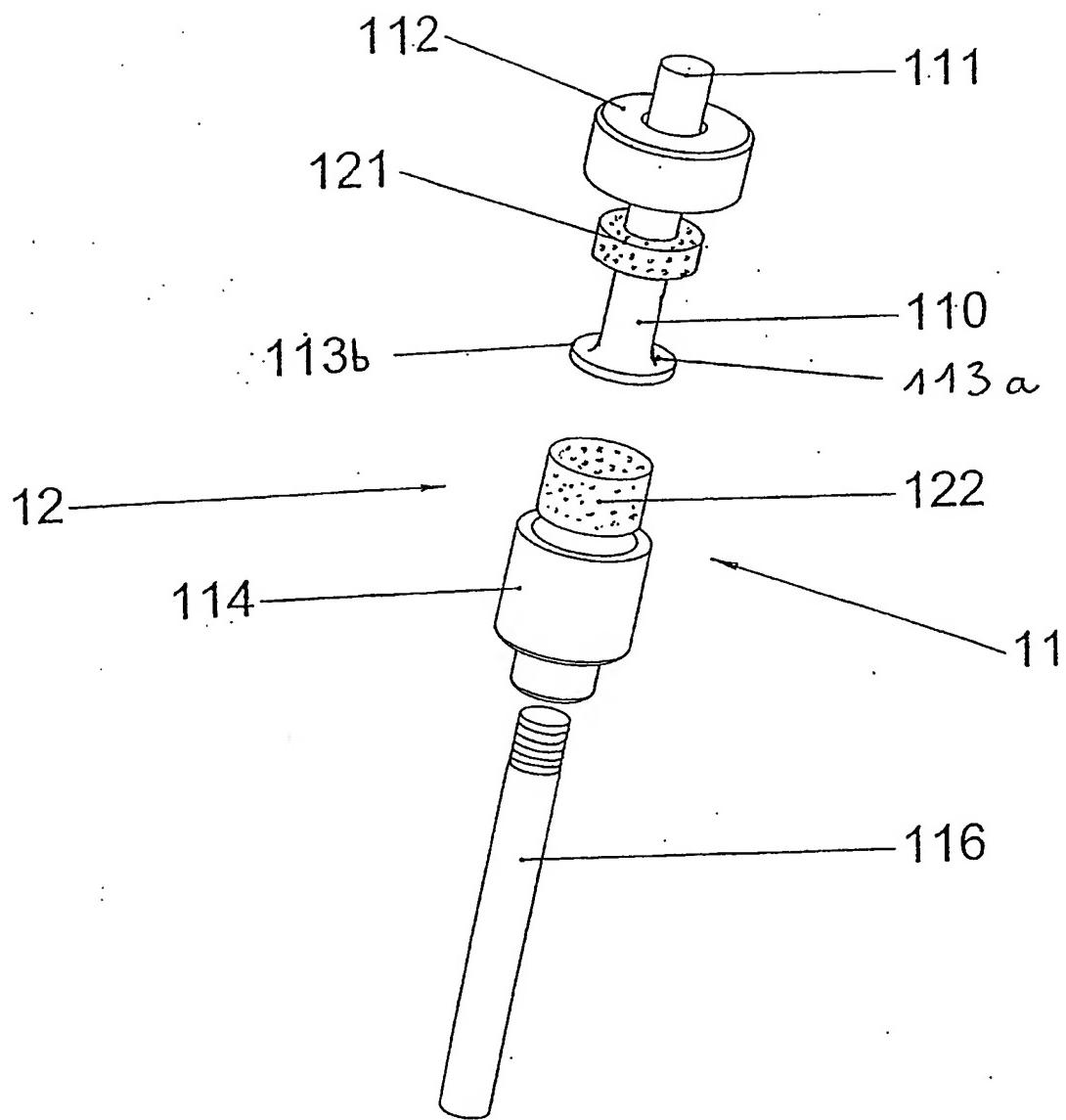
**2/6**

Figure 3

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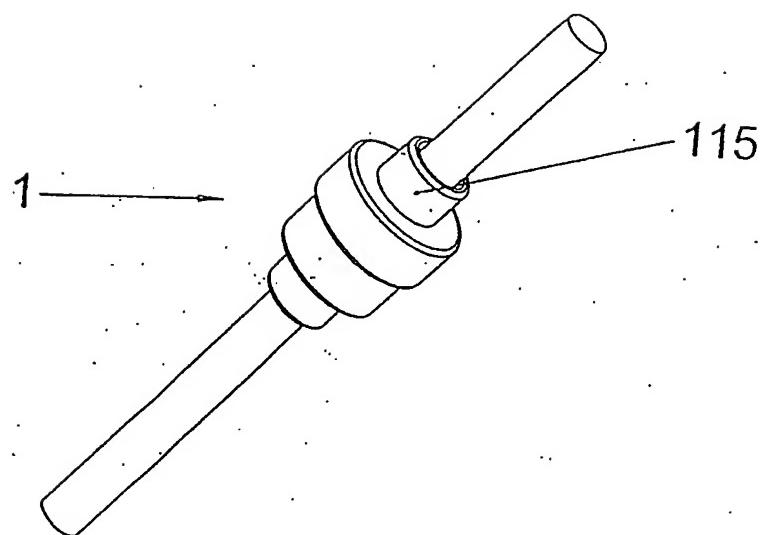


Figure 4

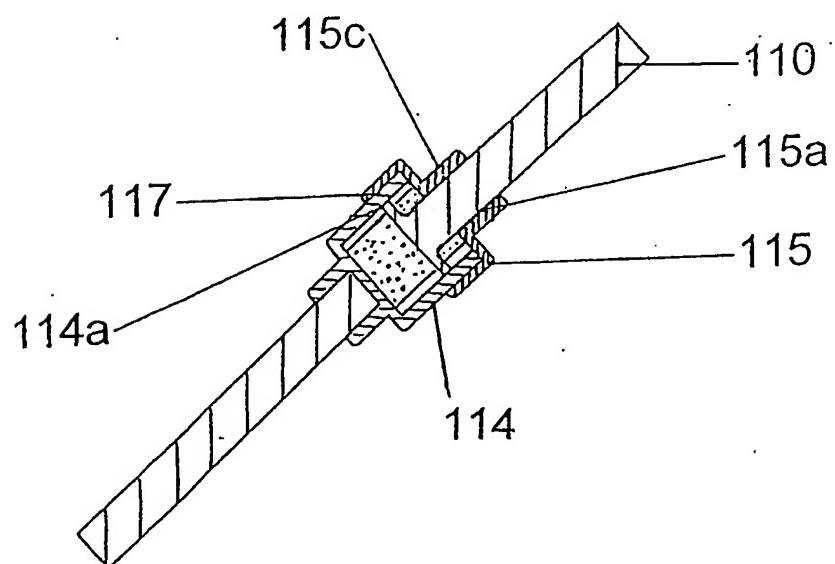


Figure 5

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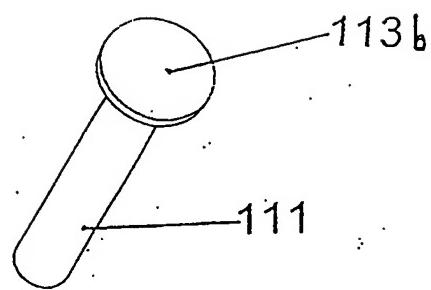


Figure 6

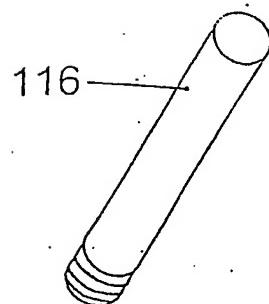


Figure 7

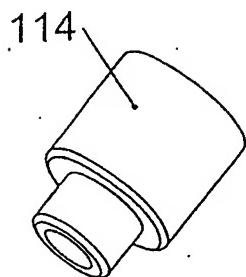


Figure 8

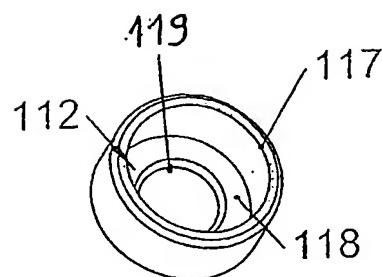


Figure 9

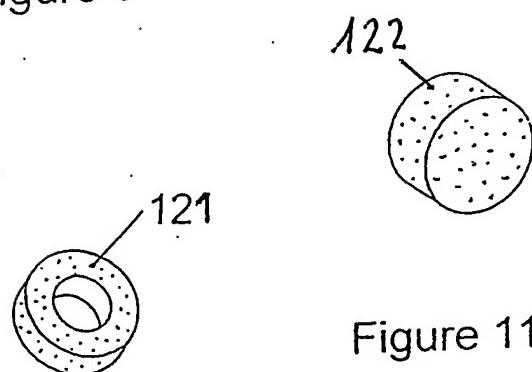


Figure 10

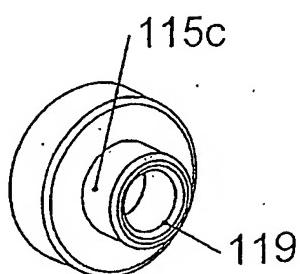


Figure 11

Figure 12

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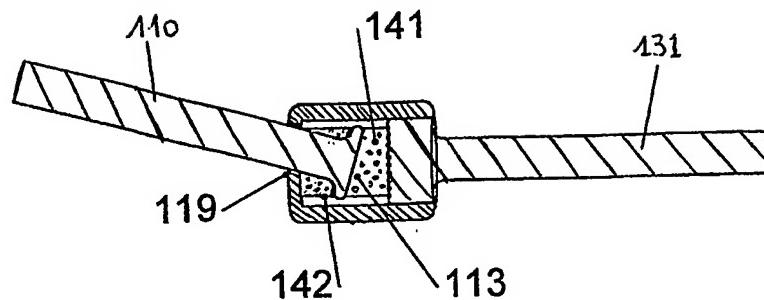


Figure 13

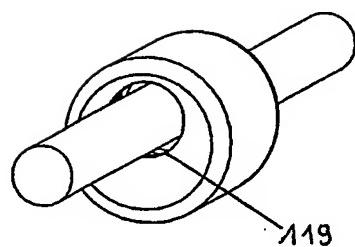


Figure 14

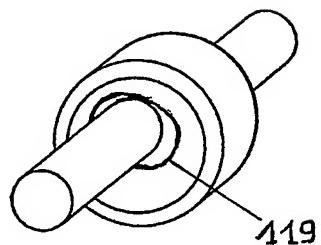


Figure 15

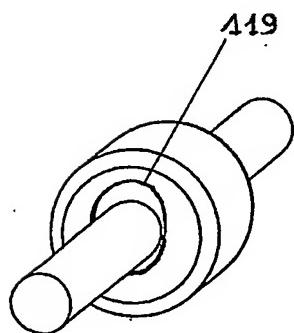


Figure 16

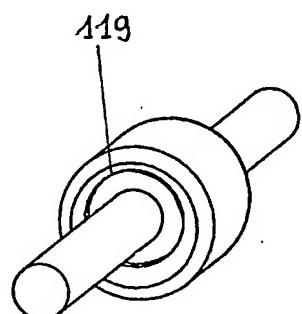


Figure 17

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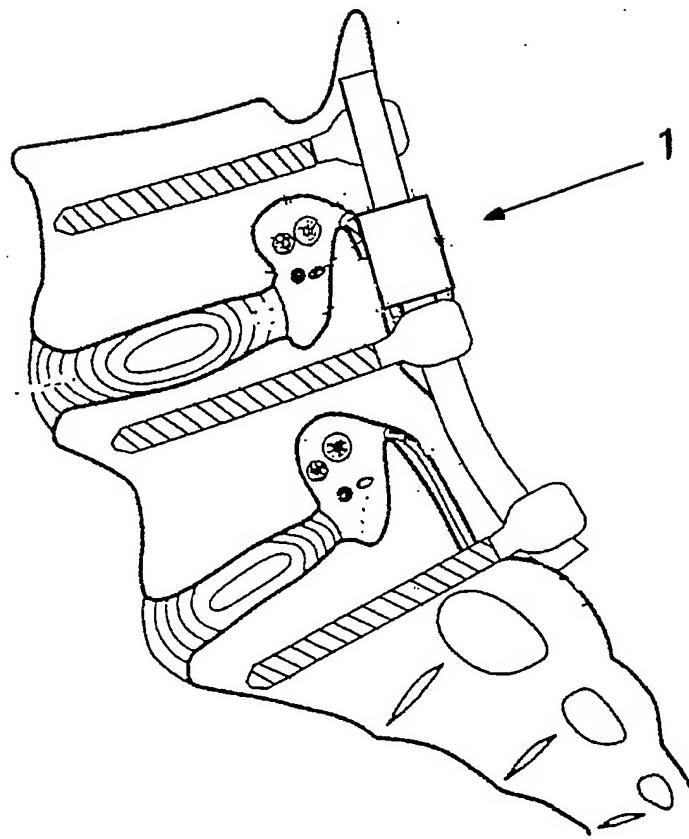


Figure 18

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/FR 02/02547

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61B17/70

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	FR 2 774 581 A (DIMSO ET J.F.ELBERG) 13 August 1999 (1999-08-13)	1
Y	page 4, line 10 -page 5, line 23  figure 2 ---	2-6, 8-10,12
Y	EP 0 576 379 A (PSI) 29 December 1993 (1993-12-29) cited in the application column 2, line 23 - line 43 column 2, line 54 -column 3, line 15 column 3, line 45 - line 55 figures 1,2,4 ---	2-6, 8-10,12
A	FR 2 730 156 A (TEXTILE HI TEC) 9 August 1996 (1996-08-09) abstract ---	1 -/-

 Further documents are listed in the continuation of box C. Patent family members are listed in annex.

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Date of the actual completion of the international search

Date of mailing of the international search report

18 November 2002

25/11/2002

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## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/FR 02/02547

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	FR 2 717 370 A (P.MOREAU ET J.F.ELBERG) 22 September 1995 (1995-09-22) abstract; figure 5 -----	1

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

International Application No

PCT/FR 02/02547

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APPLICATION NUMBER	FLING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/760,075	01/18/2004	Frederic Fortin	PUS-H002-001

Moetteli & Associes SaRL  
 C.P. 486 , 6 Avenue de Frontenex  
 CH - 1211, Geneva 12,  
 SWITZERLAND

01/29/04 HIT

CONFIRMATION NO. 1916  
**FORMALITIES LETTER**  
  
 \*OC000000013834254\*

Date Mailed: 09/17/2004

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**NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION**

FILED UNDER 37 CFR 1.53(b)

OFFICE OF PETITIONS

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within TWO MONTHS of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

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DT14 Rec'd PCT/PTO 0 NOV 2004

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number  
10/760,075

Filing Date

First Named Inventor  
FORTIN, F.

Art Unit

Examiner Name

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NOV 15 2004

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## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input checked="" type="checkbox"/> Drawing(s)	After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- Return postcard &amp; Rule 8 Cert.</li> <li>- Check</li> </ul>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		
- This paper is: a PETITION TO OBTAIN A FILING DATE and a REPLY TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Sherman D. Pernia		
Signature			
Printed name	Sherman D. Pernia		
Date	26 October 2004	Reg. No.	34,404

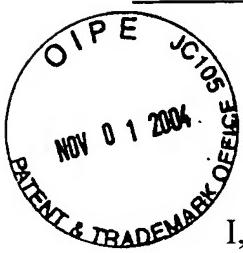
## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sherman D. Pernia	Date	27 October 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CERTIFICATE OF FIRST CLASS MAILING  
UNDER 37 CFR §1.8**

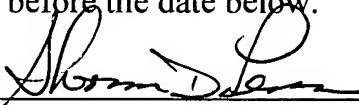
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I, Sherman D. Pernia, certify that this document is being deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450" on or before the date below.

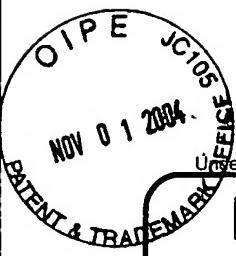
Date: 27 October 2004

Signed: 

Docket No. PUS-H002-001 Serial No. 10/760,075

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/760,075
Filing Date	
First Named Inventor	FORTIN, F. <b>RECEIVED</b>
Examiner Name	
Art Unit	NOV 15 2004
Attorney Docket No.	PUS-H002-001

ATTORNEY OR PETITIONER'S NAME

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number	
Deposit Account Name	

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	X	=
			- 3** =	X	=

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 130.00)	

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Sherman D. Pernia	Registration No. (Attorney/Agent)	34,404	Telephone	281-335-4505
Signature	<i>Sherman D. Pernia</i>			Date	<i>26 Oct. 2004</i>

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Sherman D. Pernia, Ph.D., JD  
U.S. Patent Agent & Attorney at Law  
1110 NASA Parkway, Suite 450  
Houston, Texas 77058-3346  
US

**MS: MISSING PARTS**  
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